

## REMARKS

Claims 19, 20, 22, 23, 26 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Posa et al.* U.S. Patent No. 6,767,628. Claims 19-29 stand rejected under 35 U.S.C. § 103(a) in view of *Posa et al.*

### DISCUSSION OF POSA ET AL.

*Posa et al.* is directed to a “transparent tape (that) includes a material which enhances the visibility of a newly formed edge. The material can include a fluorescent dye disposed in the tape, or can be a material which reacts with oxygen, moisture or some other component of the ambient atmosphere to render the edge more visibly evident.” See the Abstract. *Posa et al.* provide very little teaching regarding the fluorescent material that is used. The only teaching in *Posa et al.* regarding reactivity of the fluorescent material is that it reacts with “oxygen, water, or other components of the ambient atmosphere.” Col. 2, lines 51-53. *Posa et al.* make brief mention of “materials which discolor upon contact with another material in the adhesive, or materials such as those mentioned above, which discolor upon exposure to oxygen.” Col. 5, lines 22-25. *Posa et al.* provide no teaching regarding the identity of the “another material in the adhesive”.

*Posa et al.* is enabling only with regard to fluorescent materials or color formers that react with oxygen. *Posa*’s reference to reaction of the color former with water that is present in the ambient atmosphere also teaches oxidation of the color former, since it

is apparent from reading *Posa et al.* that the water vapor in the atmosphere lends oxygen to the reaction.

### **DISCUSSION OF CLAIMS AS AMENDED**

Claims 19 through 29 are cancelled hereby. Claims 30-38 are added hereby and presented for the first time.

Independent Claim 30 requires a support material having three discrete layers. The first layer comprises an adhesive, the second layer comprises a color former, and the third layer comprises a color developer. *Posa et al.* do not teach three discrete layers coated on the support material, nor do *Posa et al.* teach separate layers comprising an adhesive, a color former, and a color developer.

*Posa et al.* make brief mention of combining what may be a color developer with the adhesive.<sup>1</sup> It is submitted that *Posa et al.* is not enabling with regard to such an embodiment. In any event, *Posa et al.* do not present a color developer that is present in a separate layer from the adhesive. As a general proposition, *Posa et al.* teach away from coating a developer on the support layer. However, with regard to the brief mention of the "another material in the adhesive" which causes the color former to "discolor", *Posa et al.* teach away from placing their "another material" in a separate layer by teaching that the "another material" is present in the adhesive.

One skilled in the art reading the specification of the present invention would understand that the color former changes color by reaction with a color developer, and

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<sup>1</sup> It is not clear that the "another material" is a color developer. Applicant assumes that it is a color developer only for the purpose of these Remarks, but does not admit that the "another material" is a color developer.

Title: TEAR INDICATOR FOR TAPE  
App. No.: 10/714,208  
Attorney Docket No.: 2547.001

Examiner: Daniel Zirker  
Art Group: 1771

that the color developers set forth in the specification are not oxidizers. The color developers set forth in the specification are clay minerals, acid activated clays, organic acids, acid polymers, metal salts, zinc salts of alkylsalicylic acids, zinc-modified phenolic resins, aromatic carboxylic acids, alkylphenolformaldehyde novolac resins and the like. These developers are not oxidizers required by *Posa et al.*, as one skilled in the art would recognize. Accordingly, independent Claim 35, which requires that the color developer not contribute oxygen to the reaction between the color former and the color developer distinguishes the present invention from *Posa et al.* This limitation is not new matter, since one skilled in the art would understand that the specification of the present invention teaches that the color change of the color former by is not by means of oxidation.

It is respectfully submitted that Claims 30-38 are in condition for allowance. Review and allowance at the earliest possible date is requested.

Respectfully submitted,



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CERTIFICATE OF MAILING

Thereby certify that this Response to Office Action Dated July 13, 2006, Petition for One Month Extension of Time, Credit Card Form, and Post Card are being deposited with the United States Postal Service, with sufficient postage attached thereto, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22213-1450 on August 11, 2006.

A handwritten signature in cursive script, appearing to read "Nina Moats".

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